

### **REMARKS**

Claims 1-22 and 25 remain in the case with claims 1, 22 and 25 in independent form. Favorable reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

#### **Claim Objections:**

Claims 11, 12, 13, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 12, 13, and 18 are believed to be allowable per reasons set forth below.

Claim 22 is amended into an independent claim, without prejudice, including all of the limitations of the intervening claims, and is now believed to be in a condition for allowance.

#### **Drawing Objections:**

The drawings are objected to under 37 CFR 1.83(a) for allegedly not showing every feature of the invention specified in the claims. Specifically, the lower steering column jacket (12) of claim 13 allegedly does not show mating teeth (40). Applicant respectfully disagrees with the objection.

Paragraphs 20, 21, 23 and 25 of the specification describe respective mating teeth (36, 38, 40, 42). Figure 2 of the drawings show teeth (36, 38, 40) and Figure 1 shows teeth (42).

The drawing objection further states on page 2, item 3:

"Therefore, the lower steering column jacket define mating teeth, as in claim 13, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered."

**[0001]** Paragraph 20 of the specification in-part reads (emphasis added in bold):

[0002]

"Each of the first and second fingers 30, 34, **the lower steering column jacket 12 or member 32**, and the member 22 respectively define mating teeth 36, 38, 40, 42 to engage one another when the locking arm is in one of the telescoping-locked position and the tilting-locked position."

Claim 13 is amended without prejudice to change the word "define" to "carry." Note that, the member (32) is fixed/bolted rigidly to the jacket (12). No new matter has been added.

Because all teeth are found in the drawings as described and amended, claim 13 conforms to that taught in the specification. In light of amended claim 13, the drawing objection is believed to be improper.

**Claim Rejections - 35 USC § 102:**

Claims 1-10, 19, 20 and 25 are rejected under 35 USC § 102(b) as being anticipated by Hiragushi, JP 02133280A. The applicant respectfully traverses the rejection.

**Hiragushi JP 02133280A**

The Hiragushi '280A reference has a lower jacket with a first fixed portion or tube (1) and a second tilt portion or tube (2). The two portions are hinged together at hinge (3), thus they are not in a telescoping relationship to one-another. The inner or upper shaft (11) is in telescoping relationship directly with the tilt portion (2) of the lower jacket (1, 2).

**Claims 1-10, 19, 20 and 25**

With regards to claims 1 and 25, the tilt housing (16) is engaged to the upper steering column jacket (14). It is not located/integrated into the lower steering column jacket (12) as is the Hiragushi '280A reference. Moreover, the tilt housing (16) of claim 1 supports the steering wheel. In the Hiragushi '280A reference, the alleged upper jacket (11) supports the steering wheel.

Moreover, element (7) of Hiragushi '280A can not be the upper steering column jacket because it is not engaged telescopically with elements (2) and/or (1). If element (11) is the upper steering column jacket, it is not engaged pivotally to the tilt housing (2).

Consequently, claims 1-10, 19, 20 and 25 of the present invention are not anticipated by Hiragushi '280A under 35 U.S.C. 102(b).

#### Claim 2

With further regards to claim 2, the tilt housing (3) of Hiragushi '280A does not tilt with reference to the upper jacket (11).

Consequently, claim 2 of the present invention is not anticipated by Hiragushi '280A under 35 U.S.C. 102(b).

#### Claim 3

With further regards to amended claim 3, the disclosure provided of the Hiragushi '280A reference does not teach the single locking device for controlling telescoping and tilting movement of claim 1. In fact, the drawings of Hiragushi '280A suggest multiple operations are necessary for tilting and telescoping movement. The Examiner is directed to lever (4) of the tilt lock device (5), and lever (17) of the separate telescopic lock device (20) of Hiragushi '280A. As suggested through the written description and figure, lever (4) must be manually locked and lever (17) must be manually unlocked before the motor will extend the column. Similarly, lever (4) must be manually unlocked and lever (17) must be manually locked before the motor (23) will tilt the steering wheel. By definition, this is not the single lock device of claim 3 for controlling said telescoping movement and said tilting movement.

Consequently, claim 3 of the present invention is not anticipated by Hiragushi '280A under 35 U.S.C. 102(b).

Claim 6

Claim 6 is amended to read "supported by and fixed to." The device (5) of Hiragushi '280A is not supported by or even fixed to the upper jacket (11).

Consequently, claim 6 of the present invention is not anticipated by Hiragushi '280A under 35 U.S.C. 102(b).

Claim 10

Claim 10 is amended to read a "single" locking arm that moves between tilt lock position and a telescope lock position. The Hiragushi '280A reference requires two lock arms (4, 17). That is, one for tilt and one for telescope.

Consequently, claim 10 of the present invention is not anticipated by Hiragushi '280A under 35 U.S.C. 102(b).

**Claim Rejections - 35 USC § 103:**

Claims 14-17 and 21 are rejected under 35 USC § 103(a) as being unpatentable over Hiragushi, JP 02133280A in view of Arihara, US 2003/0222448. The Applicant respectfully traverses the rejection.

Because base claims are patentable, dependent claims 14-17 and 21 are non-obvious and patentable. If an independent claim is patentable, then any claim depending therefrom is non-obvious, In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988).

**Summary:**

Please reconsider claims 1-22 and 25 in view of the above amendments and remarks.

If any additional fees are necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS**

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Date

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